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TRANSFERRING WATER RIGHTS

In Montana, water rights have always been appurtenant to specific property and have stayed with it when the property ownership changes. This still holds true under current law unless the water rights are specifically exempted in the instrument of realty transfer, such as the deed.

The purpose of filing a Water Right Transfer Certificate (Form 608) is to maintain a reliable water right ownership record at both state and county levels. Filing also ensures that you will be notified of actions that may affect your rights, such as the statewide adjudication of water rights, applications for new water rights, or changes to water rights. The transfer must be filed with the Montana Department of Natural Resources and Conservation at one of its nine local field offices (see list on last page). Four times a year, the department notifies the water courts and county clerk and recorder offices of changes in ownership.

WHEN TO FILE

The sellers of a property involving water rights, or their representative, must file a transfer within 60 days after recording a deed or other instrument documenting the property ownership change. It is a good idea for the buyers of the property to make sure a transfer has been filed to protect their interests.

If all water used on the property is delivered by a public water supply, such as an irrigation district or municipality, do not file a Water Right Transfer Certificate. Instead, notify the service organization of the ownership change.

FEE

The filing fee for a Water Right Transfer Certificate (Form 608) is $10.00 and must be paid to the Department of Natural Resources and Conservation when filing the form. If several water rights are associated with the same property, they can be combined on one transfer form.

Department of Natural Resources and Conservation
Water Rights Bureau Field Offices

PLEASE RETURN

BILLINGS
1537 Avenue D, Suite 105
Billings, Montana 59102
657-2105

Big Horn	Sweet Grass
Carbon	Treasure
Stillwater	Yellowstone

HAVRE
1708 West Second Street
P.O. Box 1828
Havre, Montana 59501
265-5516

Blaine	Liberty
Chouteau	Pondera
Glacier	Teton
Hill	Toole

LEWISTOWN
204 South Daws
P.O. Box 438
Lewistown, Montana 59457
538-7459

Cascade	Meagher
Fergus	Musselshell
Golden Valley	Petroleum
Judith Basin	Wheatland

BOZEMAN
1201 East Main
Bozeman, Montana 59715
586-3136

Gallatin	Park
Madison	

HELENA
1520 East Sixth Avenue
Helena, Montana 59620-2301
444-6695

Beaverhead	Lewis and Clark
Broadwater	Powell
Deer Lodge	Silver Bow
Jefferson	

MILES CITY
5 North Prairie
P.O. Box 276
Miles City, Montana 59301
232-6359

Carter	Prairie
Custer	Rosebud
Fallon	Wibaux
Powder River	

GLASGOW
839 First Avenue South
P.O. Box 1269
Glasgow, Montana 59230
228-2561

Daniels	Richland
Dawson	Roosevelt
Garfield	Sheridan
McCone	Valley
Phillips	

KALISPELL
3220 Highway 93 South
P.O. Box 860
Kalispell, Montana 59903-0860
752-2288

Flathead	Lincoln
Lake	Sanders

MISSOULA
Holiday Village Professional
Plaza, Suite 105
P.O. Box 5004
Missoula, Montana 59806
721-4284

Granite	Missoula
Mineral	Ravalli

COMPLETING A WATER RIGHT TRANSFER CERTIFICATE (Form 608)

The following information is required by the department before a Water Right Transfer Certificate can be processed. If you have any questions, please contact the water rights field office serving the county where the property is located.

1. **Water Right(s) Transferred.**
Identify each water right being transferred by type and number. Check the appropriate box(es) and list the numbers. Use additional paper if needed. If assistance is needed:

   A. Contact the nearest water rights field office or the department headquarters in Helena. Give them the water right owner's name and/or legal land description of the place where the water is used. A history of the water use and ownership is helpful.

   B. Research the local clerk and recorder's records for the history of ownership.

2. **Means of Realty Transfer.**
Check the box next to the type of document used to record the property ownership change with the county clerk and recorder's office. State the ID number and filing location in the spaces provided. This information is stamped or written on the document, or can be obtained from the clerk and recorder.

3. **Division or Split of Water Right.**
If the sellers retain a portion of the water right or sell portions to several different people, check "YES." An Addendum for Apportioned Water Right (Form 608-A) must be completed. Contact the nearest field office for this form and information on how to complete it.

   If the entire water right is being transferred without being divided into parts, check "NO."

4. **Buyers' Names, Mailing Addresses, and Phone Numbers.**
List all buyers' names as they appear on the documents recording the property transfer. Be sure to include complete and current mailing addresses. Use additional paper if needed.

5. **Sellers' Names, Mailing Addresses, and Phone Numbers.**
List all sellers' names as they appear on their water rights. Be sure to include complete and current mailing addresses. Use additional paper if needed.

6. **Person/Agency Completing Form.**
Complete this section even if the information is the same given for "sellers" or "buyers."

7. **Interested Parties.**
List anyone, other than the buyers or sellers, who is directly concerned with the water right or who has a specific reason to be notified of actions that may affect the water right. This list may include lending institutions, legal counsel, ranch manager, etc. Use additional paper if necessary.

8. **Remarks.**
Use this space to explain an item on the form or an aspect of the transaction—for example, the differences in owner names, the reason a signature could not be obtained, etc.

9. **Signatures.**
The department will not process a transfer certificate without notarized sellers' and buyers' signatures except as listed below. Use additional paper if necessary.

   A. If a notarized signature cannot be obtained for the transfer certificate, submit a copy of the recorded deed or instrument with the transfer certificate. Copies can be obtained from the county clerk and recorder.

   B. If the sellers are not listed with the department as the water right owners, copies of recorded documents must be attached to the transfer form showing the chain of ownership. Obtain copies from the clerk and recorder that show the water right owner of record, intermediate owners, and the sellers.

   C. If more than one owner is listed on the department water right record but just one seller is listed on the transfer form, only the seller on the form will be transferred in the water right record. The others will continue to be listed as owners of the water right. To transfer all owners in the department's records, the transfer certificate must include all owners.

Form 608 R7/87

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

INSTRUCTIONS

The Transferor (seller) of a water right is required by Section 85-2-424 MCA to file this certificate with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum $50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required $10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are a user of a municipal or irrigation district water system.

FOR DEPARTMENT USE

Date rec'd and ____
By ____
Fee received ____
Transmittal No. ____
Reviewed by ____
BASIN ____
Coded ____

(Type or print in ink)

1. **WATER RIGHT(S) TRANSFERRED:** Indicate all of the water rights transferred. Attach a list if necessary.
   (P) Permit to Appropriate Water No(s) ____
   (C) Certificate of Water Right No(s) ____
   (W) Statement of Claim No(s) ____
   (Y/D) Final Decreed Right No(s) ____
   (E) Exempt Existing Water Right No(s) ____
   (If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right Form 608-B.)

2. **MEANS OF REALTY TRANSFER:**
   ☐ Deed recorded in County ____ Bk ____ Pg ____ Doc No ____
   ☐ Contract for Deed / Notice of Purchasers Interest recorded in County ____ Bk ____ Pg ____ Doc No ____
   ☐ Court Decree Recorded in County ____ Bk ____ Pg ____ Doc No ____
   ☐ Other, explain ____

3. **IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?**
   ☐ YES If more than one water right is listed in No. 1 above, list which water right numbers have been split ____
   Complete one Addendum for Apportioned Water Right Form 608-A for each split right showing what portion of the water right the buyer received and what portion the seller retained.
   ☐ NO The buyer received the entire water right(s), 100%.

4. **BUYER'S NAME(S):** Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).
   Name ____ Phone No ____
   Mailing address ____
   Name ____ Phone No ____
   Mailing address ____

5. **SELLER'S NAME(S):** Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes only, check yes. YES ____
   Name ____ Phone No ____
   Mailing address ____
   Name ____ Phone No ____
   Mailing address ____

6. **PERSON/AGENCY COMPLETING FORM** Name ____
   Address ____ Phone No ____

7. **INTERESTED PARTIES:** If there are other persons who are to receive notice of adjudication proceedings concerning the water right(s) list their complete names, mailing address and phone numbers.
   Name ____ Phone No ____
   Mailing address ____
   Name ____ Phone No ____
   Mailing address ____

8. **REMARKS** Use this space to further explain any of the items ____

9. **SIGNATURES**
   A. Seller's Signature(s) ____ Date ____
   ____ Date ____
   Subscribed and sworn before me this ____ day of ____ 19__
   Notary of the State of ____
   Residing at ____
   My Commission expires ____
   B. Buyer's Signature(s) ____ Date ____
   ____ Date ____
   Subscribed and sworn before me this ____ day of ____ 19__
   Notary of the State of ____
   Residing at ____
   My Commission expires ____

WATER RIGHTS BUREAU FIELD OFFICES

BILLINGS
1637 Avenue D, Suite 105
Billings, Montana 59102
Phone 657-2105
Serving Big Horn, Carbon, Stillwater, Sweet Grass, Treasure and Yellowstone Counties

BOZEMAN
1201 East Main
Bozeman, Montana 59715
Phone 587-9146 or 586-3137
Serving Gallatin, Madison and Park Counties

GLASGOW
110 Nth Street S, Suite 126
PO Box 1269
Glasgow, Montana 59230
Phone 228-2561
Serving Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

HAVRE
120 West Second Street
PO Box 1828
Havre, Montana 59501
Phone 265-5516 or 262-2425
Serving Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties

HELENA
1520 East 6th Ave
Helena, Montana 59601
Phone 444-6601
Serving Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, Silver Bow, Granite Counties

KALISPELL
1420 Highway 35 South
PO Box 1830
Kalispell, Montana 59903
Phone 752-2288 or 752-2411
Serving Flathead, Lake, Lincoln and Sanders Counties

LEWISTOWN
200 S. [illegible]
PO Box [illegible]
Lewistown, Montana [illegible]
Phone [illegible]
Serving Cascade, Fergus, Judith Basin, Meagher, Musselshell, Petroleum, Wheatland, Golden Valley Counties

MILES CITY
[illegible]
Serving [illegible] Counties

MISSOULA
[illegible]
Serving Granite, Mineral, Missoula, Ravalli Counties